

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

DAVID MILLS

v.

C.C.A., et al.

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NO. 1:10-0015

ORDER

The Plaintiff's motion (Docket Entry No. 97) to strike the declaration of Cherry Lindamood (Docket Entry No. 75), which was attached to the Defendants' pending motion for summary judgment, is DENIED. Although the declaration was not notarized, it was executed under penalty of perjury in accordance with 28 U.S.C. § 1746(b). Accordingly, the Plaintiff's motion to strike lacks merit.

The Plaintiff's motion (Docket Entry No. 84) to amend his complaint to clarify his requests for relief is GRANTED, and the Plaintiff's pleadings are accordingly amended.¹

In letters, dated November 8, 2010, and November 12, 2010 (Docket Entry Nos. 102 and 103), the Plaintiff requests information about the evidentiary hearing which had been scheduled in this action for November 10, 2010. By Order entered October 8, 2010 (Docket Entry No. 81), the hearing was cancelled pending a ruling on the motion to dismiss and motion for summary judgment which had been filed by the Defendants. By contemporaneously entered Report and Recommendation, the Court has recommended that the motions to dismiss and for summary judgment be granted and this action be dismissed. If the recommendation is rejected and this action

¹ No response in opposition to the motion to amend has been filed. Failure to file a response indicates that there is no opposition to the motion. See Local Rule 7.01(b).

is permitted to proceed, the Court will revisit the need for an evidentiary hearing and reschedule the hearing if appropriate.

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.


JULIET GRIFFIN
United States Magistrate Judge